

REMARKS

The following remarks are made in response to the outstanding Office Action issued March 17, 2003. All the claims are rejected under 37 CFR 112, first and second paragraphs, which objections are believed to be overcome by the remarks made herein. The Examiner rejected the claims as he believes the claims do not provide disclosure as to how the height and distance between the elevations and depressions in the paper can be measured, thereby rendering the claims indefinite, and though not mentioned directly how the elevations and depressions are formed.

With respect to how the heights and depressions are measured, Applicants do not agree with the Examiner because use of scanning tunnel microscopy and atomic force microscopy is well known to those skilled in the art. As can be seen from the enclosed article, having a publication date of 1995 and which cites a Ph.D. thesis completed in 1993, both microscopy types have a resolution in a range of 10 pm or less. Both microscopy types can be used by those skilled in the art to determine the dimension and spatial relationship of the elevations and depressions of the paper as claimed in the present invention.

Further, EP 0 772514, a copy of which is submitted herewith in the attached IDS, is further evidence that one of ordinary skill in the art is aware of the methods of measuring heights and depressions on for example paper. U.S. Patent 3,354,022, cited in EP 0 772514, describes and claims a paper having a defined distance between heights (500 microns), at a time when it is believed the advanced microscopy techniques were not as sophisticated. See U.S. Patent 3,354,022, claim 1, for example. Nevertheless, those of ordinary skill in the art are familiar with characterizing a paper-type product by the distance between heights and depressions. As both methods are familiar and are often used in the art, these standard methods may be used to measure the height of the elevations and distance between elevations. Further, the Examiner provides no evidence that different techniques may provide materially different values, which is a basis for asserting indefiniteness.

Based on the fact that these standard measurement methods are common tools in the art and were well known to those of ordinary skill in the art at the time the application was filed, these methods need not be mentioned explicitly. Those skilled in the art have working knowledge of which measurement methods should be used to determine the height of the elevations and the distance between the elevations.

Concerning the second rejection that the present application does not provide any disclosure regarding how the elevations and depressions are made in the paper, the Examiner's attention is directed to the text from the last paragraph on page 4 through page 8,

third paragraph. As noted on page 5, third paragraph, the substrate is prepared in a normal manner. As clearly stated in the first full paragraph on page 6, "In a surprising way, it was discovered ... that on paper or paper-like material the desired microstructure may be formed ... by applying particles in a size of 0.04 to 50 microns." Of course, the remaining disclosure in the specification regarding amount of particles, binders, and finishes including methods of applying wettability agents may be relevant for some embodiments.

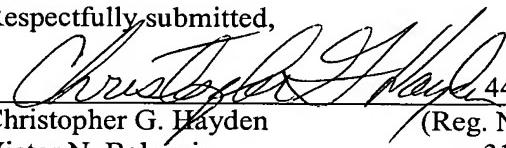
However, limitations need not be read into the claims. For example, U.S. Patent 3,354,022 describes in column 7 lines 31-43 a method of forming a textured surface using a die.

Should the Examiner believe further amendments or discussion would be beneficial to render this application allowable, he is respectfully requested to contact the undersigned at the number listed below.

There are no fees believed due in this matter, other than the time extension required and the fee for filing the supplemental Information Disclosure Statement, both of which are submitted and the fees paid by separate filing. Should there be deemed any fees or credits due, please charge Pennie & Edmonds LLP Deposit Account No. 16-1150.

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Respectfully submitted,


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